

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:) Chapter 11 Case No. 20-10334-TPA
)
JOSEPH M. THOMAS, M.D.,) Related to Doc. No. 576
Debtor)

STIPULATION AND CONSENT ORDER

AND NOW, this ____ day of October, 2022, comes Quinn, Buseck, Leemhuis, Toohey, & Kroto, Inc. (“Quinn Law”), Marsh Schaaf, LLP (“Marsh Schaaf”), MacDonald Illig Jones & Britton, LLP (“MIJB”), and Knox McLaughlin Gornall & Sennett, P.C. (“Knox Law”) (together referred to as the “Estate Professionals”), and file this Stipulation and Consent Order (the “Stipulation”), as follows:

WHEREAS, pursuant to, *inter alia*, Section VI(a) of the 2nd Amended Chapter 11 Plan of Reorganization dated October 7, 2021 (Doc. No. 521 in Case No. 20-10334 (the “Thomas Case”)), filed by the Debtor, Joseph Martin Thomas, M.D. (“Dr. Thomas”), as confirmed by Order of Court dated January 7, 2022 (the “Thomas Confirmed Plan”), administrative professional fee claims shall be paid from the liquidation of personal assets;

WHEREAS, pursuant to, *inter alia*, Paragraph 5.3 of the Joint Amended Chapter 11 Plan of Reorganization dated October 7, 2021 (Doc. No. 769 in Case No. 20-10049 (the “Tri-State Case”) (together with the Thomas Case, the “Cases”)), filed by the Debtor, Tri-State Pain Institute, LLC (“Tri-State”), as confirmed by Order of Court dated January 7, 2022 (the “Tri-State Confirmed Plan”) (together with the Thomas Confirmed Plan, the “Confirmed Plans”), Dr. Thomas contemplates paying Administrative Expense Claims for other Related Entities such as Tri-State;

WHEREAS, pursuant to the Order (Doc. No. 680) entered on Dr. Thomas's Motion to Approve Consignment Agreement with and Abandonment of Property to Inner-City Neighborhood Art House (Doc. No. 679), it appearing that there is \$3,841.65 escrowed with Quinn Law that is available for distribution to the Estate Professionals in these Cases;

WHEREAS, pursuant to Dr. Thomas and Tri-State having made regular deposits into escrow for the payment of Administrative Expense Claims in accordance with the Confirmed Plans, it appearing that after payment of prior Court Orders there is \$14,841.65 escrowed with Quinn Law that is available for distribution to the Estate Professionals in these Cases;

WHEREAS, pursuant to tax refunds claimed and received from Dr. Thomas's net operating loss carryback tax plan, it appearing that there is \$478,837.05 escrowed with Quinn Law that is available for distribution to administrative expense claims in these Cases;

WHEREAS, upon information and belief, both Dr. Thomas and Tri-State are current on all other payment obligations as set forth in their Confirmed Plans;

WHEREAS, upon consideration of the outstanding federal tax liabilities owed by Dr. Thomas for 2021 in the total amount of \$25,753.00;

WHEREAS, upon consideration of the allowed and pending fee applications in these Cases, including but not limited to those fee application schedules filed in these Cases on or about November 23 & 24, 2022 (Doc. Nos. 545 & 546 in Case No. 20-10334 and Doc. Nos. 790 & 796 in Case No. 20-10049), as well as subsequent fee applications filed by the Estate Professionals, it appearing that there is more than \$566,000.00 of fees payable to the Estate Professionals in these Cases;

THEREFORE, it is ORDERED that \$25,753.00 shall be immediately paid to the IRS on account of said administrative tax claim;

THEREFORE, based pro rata on the fees payable, it is ORDERED that \$471,767.35 shall be immediately paid to the Estate Professionals on account, as follows:

<i>PAYEE</i>	<i>PERCENT OF AVAILABLE CASH</i>	<i>AMOUNT TO BE PAID</i>
Quinn Law	42%	\$195,940.47
MIJB	17%	\$81,335.68
Knox Law	25%	\$117,380.09
Marsh Schaaf	16%	\$77,111.11

Any remaining amounts due to the Estate Professionals pursuant to fee applications approved in these Cases shall be paid in accordance with the Confirmed Plans.

Dated: _____

Thomas P. Agresti, Judge
United States Bankruptcy Court

STIPULATED TO BY:

/s/ Gary V. Skiba

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